

Office of the Coconino County Attorney



VICTIM RIGHTS REFERENCE GUIDE (JUVENILE)



COCONINO COUNTY ARIZONA

OFFICE OF THE COUNTY ATTORNEY

110 E. CHERRY AVE. FLAGSTAFF, AZ 86001-4627 (928) 679-8200

To the Reader:

You have received this reference guide because you have been identified as a victim of a crime. The purpose of this guide is to assist you in understanding the criminal justice system. An unfortunate fact related to the growth of our community is the large number of cases filed every year in this system. As a result, police and prosecutors are not able to have the timely one-on-one contact necessary to explain to each victim his or her rights under the law. Consequently, many victims feel further violated by laws and rules which have not been explained to them.

This guide is designed to explain your rights in the criminal justice system. It is not meant to replace human and personal contact. If you have any questions after reviewing this guide, I encourage you to contact either the Deputy County Attorney prosecuting this case or the Victim Notification Secretary at (928) 679-8200. Additional services are available through Victim/Witness Services for Coconino County. Their phone number is (928) 779-6163. Victim/Witness Services works with our office to ensure your needs are met. For additional information, visit their website at: www.victimwitnessflagstaff.org

Hopefully, the information in this guide will help you to better understand the criminal process. Working together, I am confident that those who have committed criminal acts against you can be prosecuted without causing you any additional hardship.

Sincerely,

DAVID W. ROZEMA
Coconino County Attorney

ARIZONA CONSTITUTION

Article II

Victims' Bill of Rights

Section 2.1

- (A) To preserve and protect victims' rights to justice and due process, a victim of crime has a right:
1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
 2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
 3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
 4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.
 5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
 6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
 7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.
 8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
 9. To be heard at any proceeding when any post-conviction release from confinement is being considered.
 10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
 11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.
 12. To be informed of victims' constitutional rights.
- (B) A victim's exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.
- (C) "Victim" means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's immediate family or other lawful representative, except if the person is in custody for an offense or is the accused.
- (D) The legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.
- (E) The enumeration in the constitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.

RIGHT TO LEAVE WORK

If your employer has fifty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of that employer, then you have certain rights:

- Not to be dismissed from your job because you are exercising your rights as a victim of a crime.
- You will not lose seniority or precedence while absent from employment.
- An employer or an employer's agent cannot refuse to hire or employ, to bar or to discharge from employment or to discriminate against an individual in compensation or other terms, conditions or privileges of employment because you leave work to exercise your victim rights.
- Your employer must keep records regarding your leave confidential.

Before you leave work you must provide your employer with a copy of the form or other information the law enforcement agency provides to you. If applicable, give your employer a copy of the notice of each scheduled proceeding that is provided to you by any of the prosecuting representatives required to give you notice. Your employer is not required to compensate you for your time off. You may elect to or your employer may require you to use your accrued paid vacation, personal leave or sick leave. An employer may limit the leave provided under this section if your leave creates an undue hardship to your employer's business. *Undue hardship* means "significant difficulty and expense to a business and includes the consideration of the size of the employer's business and the employer's critical need of the employee."

STEPS IN THE JUVENILE JUSTICE PROCESS

Your case will probably go through the stages of the juvenile criminal justice system described below. Each case is different, however, so if you have questions about a specific case, ask the prosecutor or your victim advocate.

Detention Hearing - If a juvenile is arrested and held in detention and a petition (formal charge) is filed, the juvenile appears before a judge within 24 hours of arrest. The judge determines if there is enough evidence to support the charge and whether to release the juvenile defendant. Most juveniles are released to their parents and ordered not to have contact with any victim(s). The victim may, but need not, appear at the detention hearing.

Advisory Hearing - The juvenile either admits or denies the charges. If the minor admits, a disposition (sentencing) hearing is set. If the minor denies, an adjudication hearing (trial) is set. The parties may enter into a plea agreement, or the juvenile may admit to the charges as alleged or modified by the prosecutor. If the victim has requested it, he or she will be consulted by the prosecutor before an agreement is entered into. The victim may, but need not, appear at the advisory hearing.

Pre-Adjudication Conference - The juvenile, his/her lawyer, and the prosecutor appear before the judge to discuss the case before the adjudication hearing. The parties may enter into a plea agreement, or the juvenile may admit to the charges as alleged or modified by the prosecutor. If the victim has requested it, he or she will be consulted by the prosecutor before an agreement is entered into. The victim has a right to be present, but need not attend.

Adjudication Hearing - The juvenile must be present for this proceeding; the victim has a right to be present at the adjudication hearing, and is required to attend if subpoenaed to testify.

Disposition Hearing - If the juvenile admits to the offense or is found delinquent after an adjudication hearing, the judge will schedule a disposition hearing within approximately 30 days. The victim and/or family will be contacted by the Juvenile Probation Department for their opinions. They may make a written Victim Impact Statement to the judge describing how the crime affected them, how it continues to affect them, how they feel, and what they think the disposition should be. This statement can be mailed directly to the judge TWO WEEKS prior to the hearing or given to the prosecutor or victim advocate prior to the hearing.

Transfer Hearing - This is a hearing that is held when the prosecutor asks the Judge to waive juvenile court jurisdiction and send the case to the adult criminal justice system.

Delays - At every stage of the process, there may be (and very often are) postponements, called continuances, for legal or other reasons. Ask the prosecutor what to expect in your case.

CIVIL LAWSUITS

If you are a victim of a crime, you may file a civil lawsuit against the offender or any other entity you believe to be at fault for your victimization. You may file a civil lawsuit yourself or you may seek the assistance of an attorney. If a defendant enters a guilty plea or is convicted at trial, this may be admissible in a civil action. **The Coconino County Attorney's office cannot assist you with a civil lawsuit.**

CONCLUSION

This is a simplified explanation of how the Juvenile Justice System operates. It may not explain how a particular case will be handled. Further information may be obtained by calling the Victim Witness Program at (928) 779-6163.